

Notice of Allowability

Application No.

10/077,512

Examiner

Trenton J. Roche

Applicant(s)

BOOTH, THOMAS W.

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 5 July 2005.
2. ☒ The allowed claim(s) is/are 1-10, 12-17 and 23-36 (renumbered as 1-30).
3. ☒ The drawings filed on 16 July 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is responsive to communications filed 5 July 2005.
2. Per applicant's request, amended claims 1, 10, 12, 14 and 23 have been entered. Claims 11 and 18-22 have been canceled. Newly added claims 31-36 have been entered. Claims 1-10, 12-17 are 23-36 are now pending.
3. Claims 1-10, 12-17 and 23-36 have been examined.

Response to Arguments

4. Applicant's arguments, see pages 10-14 of the Remarks, filed 5 July 2005, with respect to claims 1-10, 12-17 and 23-36 have been fully considered and are persuasive. The rejection of claims 1-10 and 13-30 under 35 U.S.C. § 102(b) has been withdrawn.

Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance

5. Claims 1-10, 12-17 and 23-36 (renumbered as 1-30) are allowed.
6. The following is an examiner's statement of reasons for allowance:

The closest found prior art of record, specifically, U.S. Patent 5,446,842 to Schaeffer et al., hereinafter "Schaeffer", taken alone or in combination, fails to teach or reasonably suggest a method of developing a software application in accordance with independent claim 1. Specifically, Schaeffer does not teach *running the first copy of the software application within a software application development environment to develop the software application; activating or deactivating at least one development switch within the development environment to enable modification of at least one property of the first copy of the software application, modifying the at least one property of the first copy of the software application, sending an update notice to the software*

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application server to indicate the modification of the property, and deactivating or activating the at least one development switch within the development environment to demonstrate the modified property in the running software application (claim 1). Similar limitations are recited in independent claims 10, 14 and 23.

Instead, Schaeffer discloses a software development environment which can be used by multiple users simultaneously to collaborate on a single data file. In Schaeffer, modifications to the software application then requires compilation prior to running the newly modified code for testing purposes. However, Schaeffer does not disclose a method of developing a software application wherein the software application is run within the development environment, providing the ability to toggle a development switch which enables modification of a property of the running software application which is currently being developed. Schaeffer further does not disclose deactivating the development switch so that the newly modified property is demonstrated in the already running software application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2193

TJR



ANIL KHATRI
PRIMARY EXAMINER